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Commissioner of Patents  
U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, **MS Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Re: Information Disclosure Statement  
Appl. No.: 10/733,776  
Filed: December 12, 2003  
Title: **Process for the Fermentative Preparation  
of L-Amino Acids Using Strains of the  
Enterobacteriaceae Family**  
Inventor(s): Rieping, Mechthild  
Atty. Dkt.: 7601/80921

Dear Sir:

The following documents are being submitted for appropriate action by the U.S. Patent and Trademark Office:

1. Information Disclosure Statement;
2. PTO Form 1449, List of References Cited by Applicant;
3. References B1-B40 and C1-C74; and
4. Return postcard.

**Applicant does not believe that any fees are due for the filing of these documents.  
However, the Director is hereby authorized to charge any fee deficiency with respect to this**

Commissioner for Patents  
November 18, 2004  
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**filing and any other fee required in connection with the present case, or credit any overpayment to our Deposit Account No. 06-1135 under Order No. 7601/80921.**

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, reading "Michael A. Sanzo". The signature is written in a cursive, flowing style.

Michael A. Sanzo  
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Enclosures



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Rieping, Mechthild

Appl. No.: 10/733,776

Filed: December 12, 2003

For: **Process for the Fermentative Preparation  
of L-Amino Acids Using Strains of the  
Enterobacteriaceae Family**

Art Unit: to be assigned

Examiner: to be assigned

Atty. Dkt.: 7601/80921

**Information Disclosure Statement**

Commissioner of Patents  
U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, **MS Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Submitted herewith is a listing of documents known to Applicant and/or his attorney in compliance with the requirements of 37 C.F.R. § 1.56. Some of these references were cited in the International Search Report for counterpart international application PCT/EP03/14271 dated April 23, 2004, a copy of which is enclosed. Copies of the listed documents, with the exception of the United States patent(s), are also enclosed.

Applicant also wishes to make the Examiner aware of co-pending applications 10/784,902, filed February 24, 2004; 10/784,914, filed February 24, 2004; 10/794,417, filed March 8, 2004; 10/812,315; filed March 30, 2004; and 10/817,431, filed April 5, 2004.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicant's undersigned attorney submits the following concise explanation of the relevance of the non-English language document cited on the accompanying form:

Reference B1, PCT published application WO 99/18228, describes a method for increasing the microbial production of specific amino acids by increasing the activity or expression of pyruvate carboxylase. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C71.

Reference B3, PCT published application WO 01/05939 A1, describes a process for the production of L-amino acids, *e.g.*, L-lysine and L-glutamic acid, by culturing a microorganism having variation or deletion of sigma factor which acts specifically on the stationary phase. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C72.

Reference B39, German patent DE 101 32 946 A1, describes a process for the fermentative production of L-amino acids by culturing Enterobacteriaceae in which the activity of at least one specific gene is increased. The process is useful in producing threonine and other amino acids for use in animal nutrition, medicine and the food industry. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C73.

Reference B40, German patent DE 101 35 053 A1, describes a process for preparing L-amino acids, *e.g.*, L-threonine, by fermenting an organism of the Enterobacteriaceae family in which at least the *malE* gene is enhanced, particularly overexpressed, and then isolating the desired amino acid. An English language abstract corresponding to this document is enclosed herewith and is cited on the accompanying list of references as document C74.

Applicant does not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the present application. This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made.

Consideration of the cited documents and making the same of record in the prosecution of the above-captioned application are respectfully requested.

Applicant does not believe any fees are due for the submission of this Information Disclosure Statement other than those which have been provided. However, the Director is hereby authorized to charge any fee deficiency to our Deposit Account No. 06-1135 under Order No. 7601/80921.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By



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<b>LIST OF REFERENCES CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>				Atty. Docket No.: 7601/80921		Appl. No.: 10/733,776			
				Applicant(s) Rieping, Mechthild					
				Filing Date: December 12, 2003		Group: to be assigned			
U.S. PATENT DOCUMENTS									
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate		
	A 1	4,278,765	Jul. 14, 1981	Debabov, <i>et al.</i>	435	172	Jun. 28, 1979		
	A 2								
	A 3								
	A 4								
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	A 6								
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				Filing Date: December 12, 2003		Group: to be assigned		
<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initial		Document Number	Date	Country	Class	Subclass	Abst./Trans.	
							Yes	No
	B 1	WO 99/18228	Apr. 15, 1999	WIPO	C12P	13/00	X	
	B 2	WO 99/53035	Oct. 21, 1999	WIPO	C12N	9/00		
	B 3	WO 01/05939 A1	Jan. 25, 2001	WIPO	C12N	1/21	X	
	B 4	WO 01/92545 A1	Dec. 6, 2001	WIPO	C12N	15/70		
	B 5	WO 02/06459 A1	Jan. 24, 2002	WIPO	C12N	9/02		
	B 6	WO 02/29080 A2	Apr. 11, 2002	WIPO	C12P	13/04		
	B 7	WO 02/36797 A2	May 10, 2002	WIPO	C12P	13/00		
	B 8	WO 02/064808 A1	Aug. 22, 2002	WIPO	C12P	13/08		
	B 9	WO 02/081698 A2	Oct. 17, 2002	WIPO	C12N	15/31		
	B 10	WO 02/081721 A2	Oct. 17, 2002	WIPO	C12P	13/00		
	B 11	WO 02/081722 A2	Oct. 17, 2002	WIPO	C12P	13/08		
	B 12	WO 03/004598 A2	Jan. 16, 2003	WIPO	C12N			
	B 13	WO 03/004663 A2	Jan. 16, 2003	WIPO	C12P			
	B 14	WO 03/004664 A2	Jan. 16, 2003	WIPO	C12P			
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<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initial		Document Number	Date	Country	Class	Subclass	Abst./Trans.	
							Yes	No
	B 28	WO 03/008610 A2	Jan. 30, 2003	WIPO	C12P	13/00		
	B 29	WO 03/008612 A2	Jan. 30, 2003	WIPO	C12P	13/00		
	B 30	WO 03/008613 A2	Jan. 30, 2003	WIPO	C12P	13/00		
	B 31	WO 03/008614 A2	Jan. 30, 2003	WIPO	C12P	13/00		
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	B 40	DE 101 35 053 A1	Jul. 18, 2001	Germany	C12P	13/04	X	
	B 41							
	B 42							
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	B 54							
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		Filing Date: December 12, 2003	Group: to be assigned
Examiner Initial _____ OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)			
	C 1	ANDREWS, <i>et al.</i> , "Cloning, Sequencing, and Mapping of the Bacterioferritin Gene ( <i>bfr</i> ) of <i>Escherichia coli</i> K-12," <i>J. Bacteriol.</i> 171:3940-3947 (1989).	
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	C 3	BLATTNER, <i>et al.</i> , "The Complete Genome Sequence of <i>Escherichia coli</i> K-12," <i>Science</i> 277:1453-1462 (1997).	
	C 4	BOOS, <i>et al.</i> , "Maltose/Maltodextrin System of <i>Escherichia coli</i> : Transport, Metabolism, and Regulation," <i>Microbiol. Mol. Biol. Rev.</i> 62:204-229 (1998).	
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	C 6	CARRIER, <i>et al.</i> , "Library of Synthetic 5' Secondary Structures to Manipulate mRNA Stability in <i>Escherichia coli</i> ," <i>Biotechnol. Prog.</i> 15:58-64 (1999).	
	C 7	CLARKE, <i>et al.</i> , "Nucleotide Sequence of the <i>pntA</i> and <i>pntB</i> Genes Encoding the Pyridine Nucleotide Transhydrogenase of <i>Escherichia coli</i> ," <i>Eur. J. Biochem.</i> 158:647-653 (1986).	
	C 8	COLE, <i>et al.</i> , "The Nucleotide Sequence of the <i>malT</i> Gene Encoding the Positive Regulator of <i>Escherichia coli</i> Maltose Regulon," <i>Gene</i> 42:201-208 (1986).	
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	C 13	FRANCH, <i>et al.</i> , "U-Turns and Regulatory RNAs," <i>Curr. Opin. Microbiol.</i> 3:159-164 (2000).	
	C 14	GARRIDO-PERTIERRA, "Isolation and Properties of <i>Salmonella typhimurium</i> Mutants Defective in Enolase," <i>Revista Española de Fisiología</i> 36:33-40 (1980).	
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	C 19	JENSEN, <i>et al.</i> , "Artificial Promoters for Metabolic Optimization," <i>Biotechnol. Bioeng.</i> 58:191-195 (1998).	
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		Filing Date: December 12, 2003	Group: to be assigned
Examiner Initial _____ OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)			
	C 20	KAGA, <i>et al.</i> , "Rnase G-Dependent Degradation of the <i>eno</i> mRNA Encoding a Glycolysis Enzyme Enolase in <i>Escherichia coli</i> ," <i>Biosci. Biotechnol. Biochem.</i> 66:2216-2220 (2002).	
	C 21	KIRKPATRICK, <i>et al.</i> , "Acetate and Formate Stress: Opposite Responses in the Proteome of <i>Escherichia coli</i> ," <i>J. Bacteriol.</i> 183:6466-6477 (2001).	
	C 22	KLEIN, <i>et al.</i> , "Cloning, Nucleotide Sequence, and Functional Expression of the <i>Escherichia coli</i> Enolase ( <i>eno</i> ) Gene in a Temperature-Sensitive <i>eno</i> Mutant Strain," <i>J. Seq. Mapping</i> 6:351-355 (1996).	
	C 23	KNAPPE, <i>et al.</i> , "A Radical-Chemical Route to Acetyl-CoA: The Anaerobically Induced Pyruvate Formate-Lyase System of <i>Escherichia coli</i> ," <i>FEMS Microbiol. Rev.</i> 75:383-398 (1990).	
	C 24	KOMATSUBARA, <i>et al.</i> , "Transductional Construction of a Threonine-Producing Strain of <i>Serratia marcescens</i> ," <i>Appl. Environ. Microbiol.</i> 38:1045-1051 (1979).	
	C 25	LANDGRAF, <i>et al.</i> , "The Role of H-NS in One Carbon Metabolism," <i>Biochimie</i> 76:1063-1070 (1994).	
	C 26	LEE, <i>et al.</i> , "Global Analysis of Transcriptomes and Proteomes of a Parent Strain and an L-Threonine-Overproducing Mutant Strain," <i>J. Bacteriol.</i> 185:5442-5451 (2003).	
	C 27	MACPHERSON, <i>et al.</i> , "Identification of the GalP Galactose Transport Protein of <i>Escherichia coli</i> ," <i>J. Biol. Chem.</i> 258:4390-4396 (1983).	
	C 28	MARTIN, <i>et al.</i> , "Forskolin Specifically Inhibits the Bacterial Galactose-H <sup>+</sup> Transport Protein, GalP," <i>J. Biol. Chem.</i> 269:24870-24877 (1994).	
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	C 30	McPHERSON, <i>et al.</i> , "Complete Nucleotide Sequence of the <i>Escherichia coli</i> <i>gdhA</i> Gene," <i>Nucleic Acids Res.</i> 11:5257-5267 (1983).	
	C 31	MEYER, <i>et al.</i> , "Molecular Characterization of Glucokinase from <i>Escherichia coli</i> K-12," <i>J. Bacteriol.</i> 179:1298-1306 (1997).	
	C 32	MISSIAKAS, <i>et al.</i> , "Modulation of the <i>Escherichia coli</i> $\sigma^E$ (RpoE) Heat-Shock Transcription-Factor Activity by the RseA, RseB and RseC Proteins," <i>Mol. Microbiol.</i> 24:355-371 (1997).	
	C 33	NAGELKERKE, <i>et al.</i> , "2-Deoxygalactose, a Specific Substrate of the <i>Salmonella typhimurium</i> Galactose Permease: Its Use for the Isolation of <i>galP</i> Mutants," <i>J. Bacteriol.</i> 133:607-613 (1978).	
	C 34	NIERSBACH, <i>et al.</i> , "Cloning and Nucleotide Sequence of the <i>Escherichia coli</i> K-12 <i>ppsA</i> Gene, Encoding PEP Synthase," <i>Mol. Gen. Genet.</i> 231:332-336 (1992).	
	C 35	PARSONS, <i>et al.</i> , "Solution Structure and Functional Ligand Screening of HI0719, a Highly Conserved Protein from Bacteria to Humans in the YjgF/YER057c/UK114 Family," <i>Biochemistry</i> 42:80-89 (2003).	
	C 36	POSTMA, "Galactose Transport in <i>Salmonella typhimurium</i> ," <i>J. Bacteriol.</i> 129:630-639 (1977).	
	C 37	QIU, <i>et al.</i> , "The <i>Escherichia coli</i> <i>polB</i> Locus Is Identical to <i>dinA</i> , the Structural Gene for DNA Polymerase II," <i>J. Biol. Chem.</i> 272:8611-8617 (1997).	
	C 38	RAIBAUD, <i>et al.</i> , "Maltotriose Is the Inducer of the Maltose Regulon of <i>Escherichia coli</i> ," <i>J. Bacteriol.</i> 169:3059-3061 (1987).	
Examiner		Date Considered	

<b>LIST OF REFERENCES CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>		Att'y. Docket No.: 7601/80921	Appl. No.: 10/733,776
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		Filing Date: December 12, 2003	Group: to be assigned

  

Examiner Initial	OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
C 39		RAIBAUD, <i>et al.</i> , "Essential and Nonessential Sequences in <i>malPp</i> , a Positively Controlled Promoter in <i>Escherichia coli</i> ," <i>J. Bacteriol.</i> 161:1201-1208 (1985).	
C 40		RAVNIKAR, <i>et al.</i> , "Structural and Functional Analysis of a Cloned Segment of <i>Escherichia coli</i> DNA That Specifies Proteins of a C <sub>4</sub> Pathway of Serine Biosynthesis," <i>J. Bacteriol.</i> 169:4716-4721 (1987).	
C 41		REYES, <i>et al.</i> , "Overproduction of MalK Protein Prevents Expression of the <i>Escherichia coli</i> <i>mal</i> Regulon," <i>J. Bacteriol.</i> 170:4598-4602 (1988).	
C 42		RICHET, <i>et al.</i> , "MalT, the Regulatory Protein of the <i>Escherichia coli</i> Maltose System, Is an ATP-Dependent Transcriptional Activator," <i>EMBO J.</i> 8:981-987 (1989).	
C 43		RÖDEL, <i>et al.</i> , "Primary Structures of <i>Escherichia coli</i> Pyruvate Formate-Lyase and Pyruvate-Formate-Lyase-Activating Enzyme Deduced from the DNA Nucleotide Sequences," <i>Eur. J. Biochem.</i> 177:153-158 (1988).	
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